

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RITA PERROTTI ("Pro Se"),	)	
	)	
Plaintiff,	)	C.A. No. 1:05-cv-10126-RGS
	)	
v.	)	
	)	
MICHAEL O. LEAVITT, Secretary of	)	
the U.S. Department of Health	)	
and Human Services,	)	
	)	
Defendant.	)	
_____	)	

DEFENDANT'S ANSWER

Defendant, the Secretary of the U.S. Department of Health and Human Services, hereby answers the Complaint of plaintiff, Rita Perrotti, as follows:

General Denial

Defendant denies all allegations set forth in plaintiff's Complaint not otherwise admitted below.

Specific Denials and Responses

Answering the specific numbered paragraphs of plaintiff's Complaint, defendant states as follows:

(1) Admitted.

(2) With respect to paragraph 2, defendant admits that, on December 19, 2002, plaintiff was transported by ambulance from Speare Memorial Hospital in Plymouth, New Hampshire, to Lawrence Memorial Hospital in Medford, Massachusetts. Defendant denies the remaining allegations of this paragraph.

(3) With respect to paragraph 3, defendant admits that plaintiff's Medicare claim has been denied. Defendant denies the remaining allegations of this paragraph.

(4) Denied.

General Response

The decision of the Secretary affirming the denial of plaintiff's Medicare claim is supported by substantial evidence contained in the administrative record. Moreover, the Secretary's decision is not arbitrary and capricious, based on an abuse of discretion, or otherwise not in accordance with the law. Accordingly, pursuant to 42 U.S.C. § 405(g), the Secretary's decision should be affirmed. Therefore, the Secretary plans to file a motion affirming his decision denying plaintiff's complaint.

Respectfully Submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Christopher Alberto  
Christopher Alberto  
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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon pro se plaintiff Rita Perrotti, 115 Playstead Road, West Medford, MA 02155.

/s/ Christopher Alberto  
Christopher Alberto  
Assistant U.S. Attorney

Dated: April 19, 2005